

§0.176

28 CFR Ch. I (7-1-03 Edition)

exercise the power and authority vested in the Attorney General by 18 U.S.C. 6003 to approve the application of a U.S. Attorney to a Federal court for an order compelling testimony or the production of information in any proceeding before or ancillary to a court or grand jury of the United States when the subject matter of the case or proceeding is within the cognizance of their respective Divisions: *Provided, however,* That no approval shall be granted unless the Criminal Division indicates that it has no objection to the proposed grant of immunity.

(c) The Assistant Attorneys General and Deputy Assistant Attorneys General designated in paragraph (b) of this section, and the Administrator of the Drug Enforcement Administration are authorized to exercise the authority vested in the Attorney General by 18 U.S.C. 6004 to approve the issuance by an agency of the United States of an order compelling testimony or the production of information by a witness in a proceeding before the agency when the subject matter of the proceeding is within the cognizance of their respective Divisions or the Administration: *Provided, however,* That no approval shall be granted unless the Criminal Division indicates that it has no objection to the proposed grant of immunity.

[Order No. 1310-88, 54 FR 297, Jan. 5, 1989]

§0.176 Congressional proceedings.

(a) A notice of an intention to request an order from a district court compelling testimony or the production of information in a congressional proceeding when submitted to the Attorney General by either House of Congress or a committee or a subcommittee of the Congress pursuant to 18 U.S.C. 6005 shall be referred to the Assistant Attorney General of the Division or the Administrator of the Administration having cognizance of the subject matter of the proceedings: *Provided, however,* That either the notice or a copy thereof shall in any event be referred to the Assistant Attorney General in charge of the Criminal Division.

(b) The Assistant Attorneys General and Deputy Assistant Attorneys General designated in §0.175 (a) and (b) are

authorized to exercise the power and authority vested in the Attorney General by 18 U.S.C. 6005 to apply to a district court of the United States to defer the issuance of an order compelling the testimony of a witness or the production of information in a proceeding before either House of Congress, or any committee or subcommittee of either House, or any joint committee of the two Houses.

[Order No. 445-70, 35 FR 19397, Dec. 23, 1970, as amended by Order No. 520-73, 38 FR 18381, July 10, 1973; Order No. 960-81, 46 FR 52353, Oct. 27, 1981; Order No. 1310-88, 54 FR 298, Jan. 5, 1989]

§0.177 Applications for orders under the Comprehensive Drug Abuse Prevention and Control Act.

Notwithstanding the delegation of functions contained in subpart R of this part, the Assistant Attorney General in charge of the Criminal Division is authorized to exercise the authority vested in the Attorney General by section 514 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1276, to approve the application of a U.S. Attorney to a Federal court for an order compelling testimony or the production of information in any proceeding before a court or grand jury of the United States. Immunity shall be granted in agency proceedings under that Act only with the concurrence of the Assistant Attorney General in charge of the Criminal Division.

[Order No. 445-70, 35 FR 19397, Dec. 23, 1970]

§0.177a Antitrust civil investigative demands.

The Assistant Attorney General in charge of the Antitrust Division is authorized to issue orders pursuant to section 6004 of title 18, United States Code, to compel testimony in response to antitrust civil investigative demands for oral testimony. Issuance of such orders shall be subject to the concurrence of the Assistant Attorney General in charge of the Criminal Division.

[Order No. 753-77, 42 FR 56730, Oct. 28, 1977]